

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-210182.2, .3

DATE: January 30, 1984

MATTER OF: Joule Maintenance Corporation--request for
reconsideration

DIGEST:

GAO will not consider the merits of a request for reconsideration where the material issues are before a court of competent jurisdiction and the court has not expressed interest in obtaining GAO's views.

Joule Maintenance Corporation and the Navy have requested reconsideration of our decision Joule Maintenance Corporation, B-210182, September 29, 1983, 83-2 CPD 389, in which we sustained in part and denied in part the firm's protest against the propriety of the Navy's cost comparison under solicitation No. N62472-82-R-0013. The comparison was to determine whether to perform basic operation support services at the Naval Ships Parts Control Center, Mechanicsburg, Pennsylvania, by contracting for them or by utilizing Navy personnel who had performed the services in the past.

Subsequent to requesting reconsideration from this Office, the protester petitioned the United States Claims Court for permanent relief, including the award of the contract and damages. Joule Maintenance Corporation v. United States, Cl. Ct. No. 721-83-C. The suit includes the same issues presented in the request for reconsideration, and directly involves the issue raised by the Navy in its reconsideration request, that is, the propriety of our recommendation for corrective action.

It is our policy not to reconsider a decision where the material issues are pending before a court of competent jurisdiction, Travenca Development Corporation, B-203306.3, September 21, 1981, 81-2 CPD 231, unless the

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court expresses interest in obtaining our views. Six Construct International, Inc./The Herman Bennett Company, a joint venture; MWK International, Ltd., Inc.--Reconsideration, B-210290.2, April 26, 1983, 83-1 CPD 484. The court has not expressed such interest. We therefore dismiss both requests for reconsideration.

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